

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

KEITH HAMAKER,

*Plaintiff,*

V.

CHASE MANHATTAN  
MORTGAGE CORPORATION,

*Defendant.*

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CASE NO. 4:12-CV-773  
Judge Clark/Judge Mazzant

**ORDER ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On January 30, 2013, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that plaintiff's Motion to Remand be denied [Doc. #12]. On February 14, 2013, plaintiff filed objections to the report [Doc. #17]. On February 21, 2013, defendant filed a response [Doc. #18].

In his only objection, plaintiff asserts that the Magistrate Judge relied upon the original complaint and did not consider his first amended complaint filed on January 28, 2013. Plaintiff's objection has no merit. After a motion to remand is filed, the court reviews whether the removal was proper by looking at the complaint that was pending at the time of removal. The court does not review the amended complaint, filed after removal, for determining whether to grant or deny the motion to remand. The question was whether there was a federal question or diversity jurisdiction based upon the original complaint. Plaintiff does not object to the Magistrate Judge's findings with

regard to there being federal question and diversity jurisdiction at the time of removal. The court finds that removal was proper, and plaintiff's motion to remand has no merit.

Having received the report of the United States Magistrate Judge, and considering the objections thereto filed by plaintiff, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that plaintiff's Motion to Remand [Doc. #7] is DENIED.

So **ORDERED** and **SIGNED** this **22** day of **March, 2013**.

A handwritten signature in black ink, appearing to read "Ron Clark", is positioned above a horizontal line.

Ron Clark, United States District Judge